

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 28, 1999**

## DIVISION THREE

B125551 People (Not for Publication)  
v.  
Caruso

The judgment is modified to reflect a parole revocation fine in the amount of \$2,000. (Pen. Code, 1202.45.) In all other respects, the judgment is affirmed. The Superior Court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B120770 Cummings et al. (Not for Publication)  
v.  
City Of Pomona

The order granting a new trial is affirmed. Plaintiffs' request for an award of discovery sanctions on remand is denied. Plaintiffs are to recover costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

### DIVISION THREE (Continued)

B116969      People      (Certified for Publication)  
v.  
Martinez et al.

The judgment as to defendant Martinez is affirmed. The judgment as to defendant Salazar is modified to impose a \$200 parole revocation fine, to remain suspended unless and until Salzar violates parole. The judgment as to Salazar is affirmed as modified. The abstracts of judgment for both defendants shall be modified in accordance with this opinion. The clerk of the superior court is ordered to prepare corrected abstracts of judgment that will be forwarded to the Department of Corrections.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B114359 First Charter Bank, N.A. (Not for Publication)  
v.  
Fred C. Sands  
AIB Associates, Ltd., etc., et al.

The judgment is reversed with respect to the award of punitive damages and the cause is remanded to the trial court for further proceedings consistent with the views expressed in this opinion. On remand, this case shall be assigned to a different trial judge. (Logacz v. Limansky (1999) 71 Cal.App.4th 1149, 1166.) The judgment is otherwise affirmed. Appellants' request for attorney fees on appeal is denied. In view of the mixed results obtained by each side, each party shall bear its own costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION THREE (Continued)

B127124      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 Hilda A.

The judgment (order terminating parental rights) is affirmed.

Klein, P.J.

We concur:    Croskey, J.  
                 Aldrich, J.

DIVISION FOUR

B127742      People    (Not for Publication)  
                 v.  
                 Wooten

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:    Hastings, J.  
                 Curry, J.

DIVISION FIVE

B115918      Jeri Emmett Laird                      (Not for Publication)  
                 v.  
                 Aaron Spelling et al.

The judgment is reversed. Appellant is awarded her costs of appeal.

Armstrong, J.

We concur:    Turner, P.J.  
                 Grignon, J.

## DIVISION FIVE (Continued)

B124140      People                                  (Not for Publication)  
v.  
Matthew John Hu

The judgment is modified to reflect defendant was convicted of a violation of Health and Safety Code section 11377, subdivision (a). The judgment is also modified to impose a \$400 restitution fine, to remain suspended unless and until defendant violates his parole, pursuant to Penal Code section 1202.45. The judgment is further modified to impose a \$50 criminal laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), and penalty assessments of \$50 pursuant to Penal Code section 1464 and \$35 as required by Government Code section 76000. As modified, the judgment is affirmed. The clerk of the superior court shall amend the July 1, 1998, minutes as discussed in this opinion and prepare and deliver to the Department of Corrections an amended abstract of judgment correctly setting forth the offense of which defendant has been convicted as well as both restitution fines, each in the sum of \$400, criminal laboratory analysis fee, and penalty assessments imposed.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

B120622 People (Not for Publication)  
v.  
Daniel A. Laury

The section 12022.5 enhancement to the count 3 conviction (shooting at an inhabited dwelling) is ordered stricken. The judgment is affirmed in all other respects. The clerk of the superior court is directed to prepare an amended abstract of judgment consistent with this opinion and to deliver the corrected abstract of judgment to the Department of Corrections.

Armstrong, J.

We concur: Turner, P.J.  
Godoy Perez, J.

### June 28, 1999-Continued

## DIVISION FIVE (Continued)

B125941      People                                  (Not for Publication)  
v.  
Robert Glen Vail

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.  
Armstrong, J.

B109797      Evolving Technology Company Inc.      (Not for Publication)  
v.  
R.L. Liles, Inc. et al.

The judgment is affirmed. Each side to bear its own costs.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B125872      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Sheila B.  
In re James M.

The order is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION SIX

B127010      Joan Marie Fleischman  
                         v.  
                         Dan Evan Fleischman

Filed order denying petition for rehearing.

B124008      Triplet  
v.  
Triplet

(Not for Publication)

The order is affirmed. Appellant shall bear costs on appeal.

Gilbert, Acting P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SEVEN

B129021      Castillo      (Not for Publication)  
v.  
City of Alhambra et al.

The judgment in favor of respondent Bacio is affirmed in all respects. The judgment in favor of City is reversed as to the claims for race, age and disability discrimination under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Fair Employment and Housing Act. It is affirmed as to the other claims against City. Appellant shall recover his costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.